

ZEMAN & WOMBLE, LLP

KEN WOMBLE
20 VESEY STREET, RM 400
NEW YORK, NY 10007

P (718) 514 - 9100
F (917) 210 - 3700

WOMBLE@ZEMANWOMBLELAW.COM

WWW.ZEMANWOMBLELAW.COM

October 20, 2020

VIA ECF & EMAIL

Hon. Laura Taylor Swain
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

Re: *United States v. Claudiu Costinel Mihai*, 19 Cr. 651 (LTS)

Dear Judge Swain:

I represent Claudiu Mihai in the above-referenced case. Mr. Mihai has just entered into a plea agreement with the Government and seeks to schedule a date for change of plea hearing. I respectfully request that his change of plea hearing proceed by videoconferencing or telephonic means.

As background, Mr. Mihai was extradited to the United States in February 2020 after being detained in Romania for approximately three months. The unfortunate timing of his extradition had Mr. Mihai arrive at the Metropolitan Correctional Center (“MCC”) just prior to a full-facility lockdown after a firearm had been smuggled into the facility. After that lockdown was lifted, it was only one week later that the facility and, in fact, the nation, was locked down due to the COVID pandemic. The current conditions of confinement are necessarily more severe and onerous than normal, but Mr. Mihai has kept busy by reading anything he can get his hands on and he is thankful to have the two hours outside of his cell each day.

Mr. Mihai has discussed with counsel his right to be present at his change of plea hearing and he waives that right and wishes to proceed by videoconference or telephonic means. Mr. Mihai wishes to accept responsibility and move expeditiously towards sentencing. His focus is upon putting this chapter of his life behind him and returning to his family and his life in Romania as quickly as possible.

We are aware of no prejudice to the Government or the public should the Court grant this request. However, requiring Mr. Mihai to appear personally could potentially delay the scheduling of the change of plea hearing and push back a prospective sentencing date that Mr. Mihai wishes to occur as quickly as possible. In addition, should Mr. Mihai be required to personally appear, upon return to the MCC, he would be required to quarantine for a minimum of 14 days, a hardship that is not warranted under the circumstances. In this District, remote proceedings have been the rule, not the exception during this extraordinary pandemic.

Accordingly, pursuant to the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) and the As-Amended Standing Order re Video Teleconferencing and Telephone Conferencing for Criminal Proceedings, M10-468 (S.D.N.Y. June 24, 2020), it is respectfully requested that change of plea hearing take place by videoconferencing or telephonic means as soon as possible.

Thank you for your consideration of this request.

Respectfully submitted,

Ken Womble

Ken Womble
Attorney for Claudiu Mihai

Cc: AUSA Elizabeth Hanft (via ECF & Email)

The Court will request a video hearing slot for 11:00 a.m. on Friday November 6, 2020. Counsel are requested to keep their calendars as open as possible from 9:00 a.m. to 2:00 p.m. that day, as the time, date and modality cannot be confirmed until late in the preceding week.

SO ORDERED.

10/20/2020

/s/ Laura Taylor Swain, USDJ